

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2789 - SB 2725

February 8, 2010

SUMMARY OF BILL: Creates a violent juvenile sexual offender registry. Requires any person adjudicated for a violent juvenile sexual offense prior to July 1, 2010 to register as a violent juvenile sexual offender. Requires violent juvenile sexual offenders not currently registered on the sexual offender registry (SOR) to register by October 1, 2010. Requires a violent juvenile sexual offender to remain on the registry for 25 years after his or her active supervision or probation is concluded. Requires offenders, who are eligible, to obtain and have on their possession at all times, a valid drivers license issued by the Department of Safety. The juvenile offender will not be required to pay the administrative fee until the offender reaches the age of 18.

Requires courts to transmit an offender's information to the Tennessee Bureau of Investigation (TBI) within 48 hours for inclusion on the registry. Requires all violent juvenile sexual offenders to report in person to the juvenile court of their adjudication at least once during the months of March, June, September, and December to update the offender's fingerprints, palm prints, and photograph.

ESTIMATED FISCAL IMPACT:

Decrease State Revenue - \$7,100/Recurring/TBI Fund
Increase State Expenditures – \$2,000/One-Time
\$36,300/Recurring

Increase Federal Expenditures - \$21,600/Recurring

Increase Local Expenditures – Exceeds \$100,000/One-Time*

Other Fiscal Impact – According to TBI, failure to pass this legislation may result in a 10 percent decrease in the Byrne Grant funding for the state of Tennessee. In federal FY10, Tennessee is eligible to receive \$50,380,636 in Byrne Grant funding.

Assumptions:

- The Department of Children's Services (DCS) estimates that, on average, 47 juvenile offenders will be transported four times a year to the court where the adjudication occurred to update fingerprints, palm prints, and photographs.

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- On average, each transport will be a total of 150 miles and cost \$0.45 per mile resulting in an increase in expenditures of \$12,690 (47 juveniles x 4 transports x 150 miles x \$0.45 per mile). Of the \$12,690, seven percent (\$888) will be Title IV-E Federal Funds; 49 percent (\$6,218) will be through TennCare; and \$5,584 will be state funds. Of the TennCare funds, \$2,128 are state funds at a rate of 34.22 percent and \$4,090 are federal funds at a 65.78 percent match rate.
- One staff position is required for each youth transport and will receive a salary of \$34,400 plus benefits of \$10,676 resulting in an increase in expenditures of \$45,076. Of the \$45,076 seven percent (\$3,155) will be Title IV-E Federal Funds; 45 percent (\$20,284) will be through TennCare; and \$21,637 will be state funds. Of the TennCare funds, \$6,941 are state funds at a rate of 34.22 percent and \$13,343 are federal funds at a 65.78 percent match rate.
- The total increase in expenditures for transporting the juveniles is estimated at \$36,290 in state funds and \$21,567 in federal funds.
- According to TBI, it will be necessary to add an additional crime category to the sexual offender registry resulting in a one-time cost of \$2,000 for computer programming.
- According to the Administrative Office of the Courts (AOC), the courts do not have access to a database that provides a list of sex offenses or violent sex offenses for which a minor has been convicted in other states. The majority of the courts do not have the equipment necessary to update the juvenile's fingerprints, palm prints, or photographs. One-time expenditures for local governments to purchase the necessary equipment and modify the computer systems are estimated to exceed \$100,000 statewide.
- Offenders under the age of 18 will be exempted from \$150 registration fee resulting in recurring decrease in state revenues to the TBI fund of \$7,050 (\$150 x 47 offenders).
- The federal "Adam Walsh Child Protection and Safety Act of 2006" requires states to maintain a sex offender registry and to include convicted sex offenders age 14 and above on the registry. Section 125 of the Act subjects a state to a mandatory 10 percent reduction in Byrne grant funds if the state fails to "substantially implement" the registry requirements. Failure to include juvenile offenders age 14 and above in Tennessee would jeopardize approximately \$5,038,063 in federal Byrne Grant funds based upon the federal FY10 funding level (\$50,380,636 x 10% = \$5,038,063).

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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